

Exhibit “A”
Site Designation Resolutions
13th & 14th Streets Redevelopment Project



Winston H. Hickox
Agency Secretary,
Cal/EPA

State of California
California Environmental Protection Agency

Gray Davis
Governor



Air Resources Board | Department of Pesticide Regulation | Department of Toxic Substances Control

Integrated Waste Management Board | Office of Environmental Health Hazard Assessment | State Water Resources Control Board | Regional Water Quality Control Board

October 1, 2003

EV, LLC/EV II, LLC
c/o Mr. Robert G. Russell, Jr.
Procopio, Cory, Hargreaves & Savitch
530 B Street, Suite 2100
San Diego, California 92101-4469

Dear Mr. Russell:

DESIGNATION OF AN ADMINISTERING AGENCY FOR 13th AND 14th STREETS
REDEVELOPMENT PROJECT, CITY OF SAN DIEGO, SAN DIEGO COUNTY,
CALIFORNIA

The Site Designation Committee has designated the County of San Diego Department of Environmental Health as the administering agency for the site investigation and remediation of the hazardous waste release site located on 14 parcels in the City of San Diego, California. The designation was made pursuant to the requirements of Assembly Bill 2061 (Umberg, Chapter 1184, 1993), Health and Safety Code, Division 20, Chapter 6.65, Section 25260 et seq. Enclosed is a copy of the approved Resolution No. 03-05.

Mr. George McCandless will oversee coordination of regulatory efforts for the site. Mr. McCandless, City of San Diego Department of Environmental Health, can be contacted at (619) 338-2259.

The Office of the Secretary appreciates your application to consolidate site remediation efforts and would like to offer our continued commitment to assist you in this matter. If you have any questions or concerns, please call Ms. Laurie Grouard, Site Designation Coordinator, at (916) 323-3394.

Sincerely,

Don Johnson, Chair
Site Designation Committee

Enclosure

cc: Please see next page.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see the Web site at www.flexyourpower.ca.gov.

1001 I Street | Sacramento, CA 95814

phone: 916.445.3846 | fax: 916.445.6401

www.calepa.ca.gov



EV, LLC/EV II, LLC
October 1, 2003
Page 2

cc: ✓ Mr. George McCandless
County of San Diego Department of Environmental Health
P.O. Box 129261
San Diego, California 92112-9261

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
SITE DESIGNATION COMMITTEE
RESOLUTION NO. 03-05
September 25, 2003**

13th and 14th Streets Redevelopment Project, San Diego

WHEREAS, Chapter 6.65 of Division 20 of the Health and Safety Code, commencing with Section 25260, establishes a Site Designation Committee; and

WHEREAS, the Site Designation Committee may designate an Administering Agency to oversee a site investigation and remedial action at a hazardous materials release site upon request of a responsible party; and

WHEREAS, EV, LLC and EV II, LLC ("EV, LLC"), responsible parties as defined in Health and Safety Code Section 25260(h), requested that the Site Designation Committee designate an Administering Agency to oversee site investigation and remedial action at various locations within the 13th and 14th Streets Redevelopment Project in San Diego, California, County of San Diego (the Site) which were identified by the following Assessor Parcel Numbers: 535-144-03, 535-144-04, 535-144-05, 535-144-06, 535-144-07, 535-144-08, 535-144-09, 535-144-10, 535-144-11, 535-144-12, 535-144-13, 535-145-04, 535-145-05, and 535-145-08; and

WHEREAS, this Site is a hazardous materials release site as defined in Health and Safety Code Section 25260(e); and

WHEREAS, the Site Designation Committee received the request for designation of an Administering Agency on August 7, 2003; and

WHEREAS, the Site Designation Committee properly noticed a public meeting to consider the request, and

WHEREAS, the Site Designation Committee held a meeting on September 25, 2003 and provided an opportunity at the meeting for public comment regarding the application; and

WHEREAS, the Site Designation Committee considered the application and, furthermore, considered all factors and criteria set forth in Health and Safety Code Section 25262(c); and

WHEREAS, EV, LLC agrees to reimburse appropriate agencies for their appropriate oversight costs and/or costs of permit development, where those agencies' significant involvement and/or permit development is necessary for the furtherance of the project goals; and

WHEREAS, the Site Designation Committee has determined that, based on consideration of all of the factors listed in Health and Safety Code Section 25262(c), the County of San Diego Department of Environmental Health is the appropriate agency to act as the Administering Agency; and

SITE DESIGNATION COMMITTEE

13th and 14th Streets Redevelopment Project, San Diego

Resolution No. 03-05

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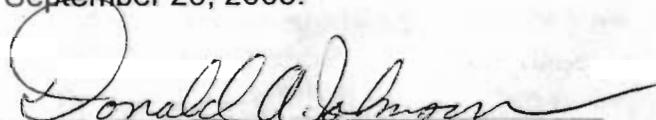
NOW, THEREFORE BE IT RESOLVED that the Site Designation Committee hereby designates the County of San Diego Department of Environmental Health as the Administering Agency for the Site; and

BE IT FURTHER RESOLVED that this designation is subject to the following conditions:

1. The County of San Diego Department of Environmental Health shall consult, on an ongoing basis, with the appropriate agencies that have expressed an interest in this Site, including all agencies that would otherwise be issuing a permit or other form of authorization:
 - a) in administering all state and local laws, which are applicable;
 - b) in determining the adequacy of site investigation and remedial action activities and in determining and imposing appropriate land use restrictions under Health and Safety Code section 25355.5; and
 - c) prior to issuing any permit or other form of authorization.
2. Such consultation will also include notification if information becomes available to the County of San Diego Department of Environmental Health that the original application was inaccurate or was incomplete.
3. The County of San Diego Department of Environmental Health shall submit quarterly reports to the Site Designation Committee and to all appropriate agencies concerning the status of the investigation and remediation of the Site and shall comply with applicable public participation requirements.
4. The County of San Diego Department of Environmental Health shall provide at least 60 days notice to interested agencies and parties prior to issuing a certificate of completion for the Site.

CERTIFICATION

The undersigned Chair of the Site Designation Committee does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Site Designation Committee held in Sacramento, California on September 25, 2003.


Chair, Site Designation Committee

01 OCTOBER 2003
Date



Winston H. Hickox
Agency Secretary,
Cal/EPA

State of California
California Environmental Protection Agency

Gray Davis
Governor



Air Resources Board | Department of Pesticide Regulation | Department of Toxic Substances Control

Integrated Waste Management Board | Office of Environmental Health Hazard Assessment | State Water Resources Control Board | Regional Water Quality Control Board

September 29, 2003

Mr. Jack Miller, Chief
Land and Water Quality Division
County of San Diego Department of Environmental Health
P.O. Box 129261
San Diego, California 92112-9261

Dear Mr. Miller:

DESIGNATION OF AN ADMINISTERING AGENCY FOR 13th AND 14th STREETS
REDEVELOPMENT PROJECT, CITY OF SAN DIEGO, SAN DIEGO COUNTY,
CALIFORNIA

Pursuant to Health and Safety Code, Division 20, Chapter 6.65, Section 25260 *et seq.* (Assembly Bill 2061, Chapter 1184, Statutes of 1993 (Umberg)), the Site Designation Committee has designated the County of San Diego Department of Environmental Health as the administering agency for the 13th and 14th Streets Redevelopment Project hazardous materials release site (site). Enclosed is a copy of the approved Resolution No. 03-05.

The administering agency's responsibilities include administering all state and local laws that govern the site cleanup, determining the adequacy and extent of cleanup, issuance of necessary authorizations and permits, and following the determination that an approved remedy has been accomplished, issuance of a certificate of completion. All of these activities should be administered after consultation with other regulatory agencies having jurisdiction over cleanup activities at the site. The administering agency should hold an initial meeting with support agencies to clarify roles, arrange cost recovery contracts, and set project proposed timeliness.

If requested, a consultative work group can assist in coordinating all site investigation and remediation activities. The work group would consist of front-line staff from all appropriate agencies. As the administering agency, your staff should organize and chair meetings of the work group if one is formed. The work group should meet within 45 days of designation and as often as necessary thereafter. The administering agency, and any interested members of the work group, should meet with the responsible party to discuss the results of the meetings within 60 days of designation.

To optimize coordination, the work group should develop a work plan for site cleanup. The work plan should layout the time frame for accomplishing site cleanup.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see the Web site at www.flexyourpower.ca.gov.

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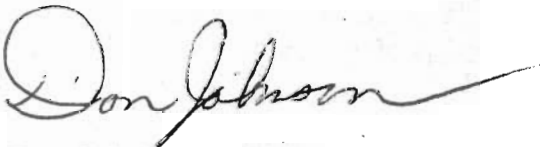
Mr. Jack Miller
September 29, 2003
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activities. The work plan should identify all permits and authorizations necessary for site cleanup, requirements for compliance with appropriate agency laws, ordinances and regulations, and areas where regulatory duplication and overlap can be eliminated. Streamlining the process should be emphasized.

Please keep us advised of the progress made on this site cleanup by providing quarterly reports on a regular basis. Enclosed is a recommended reporting form.

This new program, and all our existing programs, can be successful only if original and flexible processes are used to implement our state's high environmental standards. I am confident that your staff has the expertise and ingenuity to make this Site Designation application a model of success. The Office of the Secretary supports and is available to assist you in these efforts. If you have any concerns, please call Ms. Laurie Grouard, Site Designation Coordinator, at (916) 323-3394.

Sincerely,



Don Johnson, Chair
Site Designation Committee

Enclosures

cc: EV, LLC/EV II, LLC
c/o Mr. Robert G. Russell, Jr.
Procopio, Cory, Hargreaves & Savitch
530 B Street, Suite 2100
San Diego, California 92101-4469

✓ Mr. George McCandless
County of San Diego Department of Environmental Health
P.O. Box 129261
San Diego, California 92112-9261

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
SITE DESIGNATION COMMITTEE
RESOLUTION NO. 03-05
September 25, 2003**

13th and 14th Streets Redevelopment Project, San Diego

WHEREAS, Chapter 6.65 of Division 20 of the Health and Safety Code, commencing with Section 25260, establishes a Site Designation Committee; and

WHEREAS, the Site Designation Committee may designate an Administering Agency to oversee a site investigation and remedial action at a hazardous materials release site upon request of a responsible party; and

WHEREAS, EV, LLC and EV II, LLC ("EV, LLC"), responsible parties as defined in Health and Safety Code Section 25260(h), requested that the Site Designation Committee designate an Administering Agency to oversee site investigation and remedial action at various locations within the 13th and 14th Streets Redevelopment Project in San Diego, California, County of San Diego (the Site) which were identified by the following Assessor Parcel Numbers: 535-144-03, 535-144-04, 535-144-05, 535-144-06, 535-144-07, 535-144-08, 535-144-09, 535-144-10, 535-144-11, 535-144-12, 535-144-13, 535-145-04, 535-145-05, and 535-145-08; and

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WHEREAS, the Site Designation Committee held a meeting on September 25, 2003 and provided an opportunity at the meeting for public comment regarding the application; and

WHEREAS, the Site Designation Committee considered the application and, furthermore, considered all factors and criteria set forth in Health and Safety Code Section 25262(c); and

WHEREAS, EV, LLC agrees to reimburse appropriate agencies for their appropriate oversight costs and/or costs of permit development, where those agencies' significant involvement and/or permit development is necessary for the furtherance of the project goals; and

WHEREAS, the Site Designation Committee has determined that, based on consideration of all of the factors listed in Health and Safety Code Section 25262(c), the County of San Diego Department of Environmental Health is the appropriate agency to act as the Administering Agency; and

SITE DESIGNATION COMMITTEE

13th and 14th Streets Redevelopment Project, San Diego

Resolution No. 03-05

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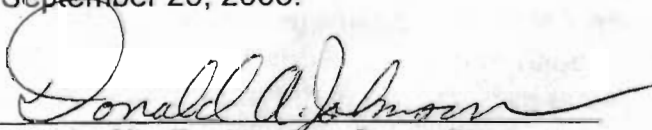
NOW, THEREFORE BE IT RESOLVED that the Site Designation Committee hereby designates the County of San Diego Department of Environmental Health as the Administering Agency for the Site; and

BE IT FURTHER RESOLVED that this designation is subject to the following conditions:

1. The County of San Diego Department of Environmental Health shall consult, on an ongoing basis, with the appropriate agencies that have expressed an interest in this Site, including all agencies that would otherwise be issuing a permit or other form of authorization:
 - a) in administering all state and local laws, which are applicable;
 - b) in determining the adequacy of site investigation and remedial action activities and in determining and imposing appropriate land use restrictions under Health and Safety Code section 25355.5; and
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4. The County of San Diego Department of Environmental Health shall provide at least 60 days notice to interested agencies and parties prior to issuing a certificate of completion for the Site.

CERTIFICATION

The undersigned Chair of the Site Designation Committee does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Site Designation Committee held in Sacramento, California on September 25, 2003.


Chair, Site Designation Committee

01 OCTOBER 2003
Date